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John Wesley Witt

THE PIONEER ATTORNEY

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Spanish Fork Co-op and for a period of eight years he was a director. The Spanish Fork Co-op became one of the foremost companies in Utah. Later he became president and held that office for many years.

On the 16th of June, 1877, William Creer was admitted to the Bar of the First Judicial District court of the Territory of Utah, and, in February of the following year was appointed attorney for Spanish Fork. He continued in that office for the years of 1883-1886. He was appointed city attorney again and served from March 18, 1887 until January 11, 1899. He was elected a member of the House of Representatives for the twenty-sixth session of the Utah Legislature from the Districts of Utah and Juab counties in 1884.

Tullidge's Magazine, in its history of Spanish Fork says: "Mayor William Creer, as a member of the last Legislature which has closed its session, was noticeable as one of the most able of the House, and one of the most available workers for committee business. He was on the committee of claims and public accounts, manufactures and commerce, irrigation, Territorial Library and was chairman of the committee on private corporations. On the floor of the House, he pressed his measures with vigor and earnestness and only yielded points to the opposition when the amendments were judicious, or the exceptions were approved by his own judgment.

"It may be that a Legislative Commission appointed by Congress will, for a while, suspend the Utah Legislature, and, if so, probably this will be the end of the People's Representatives until Utah is a state. In which case the Honorable William Creer will be perpetuated as a member of the last of our Territorial Legislature and Spanish Fork will be credited with having sent, for the memorable session of 1884, one of its ablest representatives."

The Territorial Legislature continued and William Creer served as Spanish Fork's representative for six terms and was elected as a member of the Constitutional Convention which framed the constitution of Utah.—*Clara C. Mason.*

WASATCH COUNTY

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—*Ethel D. Johnson.*

PIONEER WOMEN LAWYERS

Judge Florence Collenwood Allen was born in Salt Lake City March 23, 1884, the daughter of Clarence Emir and Corinne (Tuckerman) Allen. She came from a family of Ohio pioneers who moved to Utah and later back to Ohio where her father became a professor of Greek and Latin at Western Reserve University. Judge Allen attended school in Salt Lake City until 1899. She was ready for college at the age of fourteen. After moving to Ohio she attended Western Reserve University and was graduated with a B.A. degree in 1904; an M.A. degree in 1908. She became proficient in music and also interested in law.

Western Reserve University did not admit her in the law department because of her sex. She attended New York University and received her degree in law in 1913. Judge Allen is a national honorary member of the Delta Kappa Gamma, a society for women educators. The spring number of the Delta Kappa Gamma Bulletin of 1953 published a short sketch of her, the title, *Happy and Wise*. It states:

"She was the first woman to be the assistant county prosecutor of Ohio. She was the first woman to sit in a court of general jurisdiction. She was the first woman to preside as judge in a court of last resort. She was the first woman appointed to a Federal Circuit Court of Appeals. . . .

"The story of her legal career is a story of the persistence of a scholarly, splendid woman who knew what she wanted and who knew that if sufficient persistence were hers, she would arrive. She is a liberal, unprejudiced, unbiased, with a profound belief in social justice. She says simply, 'That's why I'm in law. I am interested in its social significance. It is one of man's important tools to permit better living together.' Her volume on *This Constitution of Ours* is a splendid, illuminating, scholarly treatment, always interesting, and at times eloquent. Her colleagues note that she is extraordinarily well informed on every case, because before she comes to court she has read every brief which must be considered. She more than holds her own in a field where only a generation ago women were not wanted. Judge Allen is a powerful speaker, extraordinarily eloquent."

She has published *Treaty as an Instrument of Legislation*. In 1937 she wrote the opinion for the Circuit Court of Appeals upholding the constitutionality of the Tennessee Valley Authority, and presided over the meeting held in Chattanooga. She is one of the six judges in the Sixth District of the Circuit Court of Appeals. This court hears civil and criminal cases that come up from the federal, district and tax courts.

appointed Roy D. Moulton as the first chief of police. The force included four policemen in addition to the chief, and with a radio equipped car they provided 24-hour protection. Lowell Thacker succeeded Mr. Moulton as chief, but held office only a short time before appointment of the present chief, Ferris Clegg.

Mayor Jaicoletti also expanded the city's water storage system, which was first constructed in 1905 under the direction of Mayor Joseph A. Rasband. The system was expanded to 1.5 million gallons of storage in 1952 and a chlorination purification plant was built to insure a pure supply of water for the community.

By 1953 Mayor Jaicoletti had begun a complete installation of sewage disposal lines in the city and the construction of a full treatment plant at a cost of \$325,000. Heber was the second of Utah's third class cities to install such a system.

Because the streets were almost completely torn up with the construction of the new sewer system the mayor began a complete resurfacing program and by 1955 the more than 21 miles of city streets had been resurfaced.

The city ball park was lighted in 1953 to accommodate night events, and in that year a new pumper was also purchased for the city fire department along with a portable first aid unit including two resuscitators.

The Wasatch County Youth Coordinating Council was established in 1953 through the cooperation of Ferrin Van Wagoner, superintendent of county schools. Then in 1954 the Little League Baseball Diamond was constructed with a complete water system for the grass.

Curb and guttering was extended along Main Street to the city limits on the south and to Sixth North, as well as along west First South.

Another pumper fire engine was purchased in 1955 at a cost of \$25,393.00, making the Heber valley department one of the best fire fighting units in the state.

Many other improvements have been made by Mayor Jaicoletti to add to the beauty of the city and to facilitate the services of city government to the people of the community.

Still another feature of governmental service in the community has been the post office. John W. Witt, who operated a small store in the northwest part of Heber, was the community's first postmaster, though he was never officially commissioned by the government. He would receive letters from Provo and Salt Lake, and hold them in his store until patrons called for them.

Organized mail service from the "outside world" was begun in 1862 when Isaac O. Wall began carrying mail on horseback during the summer months. No service was provided during the winter. In Spring months when high water in Provo River made it impossible for horses to cross, Mr. Wall extended a cable from trees on either side of the river and transferred mail pouches with the rider from Provo.

Thomas Rasband with Zernia Palmer, Constable of Precinct No. 1; Norton Jacobs, Justice of the Peace and Sidney Epperson, Constable of Precinct No. 2; Treasurer, John M. Murdock.

Attorney Charles N. Carroll left Wasatch County about 1885 and settled in Orderville. After William Buys, Sr., graduated from the University of Utah in 1878, he came to Wasatch as a schoolteacher. While teaching he married Sarah Jane McDonald, and a year after his marriage he began to study law. He was elected County Attorney, which office he held for twelve years. William Buys, Sr., was a member of the Utah Bar Association and also of the Constitutional Convention of the State of Utah.

*University of Utah
March 23rd 1884*
No all whom it may concern
My dear friend Judge Allen
*I have the honor to acknowledge the receipt of your letter of the 18th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, however, unable to give you a definite answer at this time, as the matter is still under consideration. I will, however, endeavor to give you a final answer as soon as possible. I am, very respectfully,
Yours truly,
Charles N. Carroll*

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... AND THEY GOVERNE

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John W. Witt
Judge

JOHN WESLEY WITT SR.

John Wesley Witt was born in McLeansboro, Hamilton County, Illinois, on February 10, 1829. He was the son of Robert and Dorcus Willis Witt, who became identified with the Mormon Church soon after it was organized. He was the second child of the family of five: Kizzie Ann B., John Wesley, Sarah Jane B., William B. and Mills, who died in infancy. His father died when he was but four years of age.

John Wesley was baptized, a member of

p 501 HBU Mts



March 27, 1851, was married to Lovina Bigelow. His records show the marriage took place about 16 miles north of Salt Lake City, which would be near Farmington or Kaysville.

Lovina Bigelow Witt was the mother of 13 children, seven boys and six girls. They were Lucy Lovina, John Wesley Jr., Robert Nahum, Anna Udora, Nancy, Louisa, Mary Susanna, Daniel Brigham, Sarah Elizabeth, Milton Musser, Alphonso Moroni, Franklin Leo, Dorcus Marion and Jesse Monroe.

Soon after their marriage they moved to Provo, Utah, where John Witt claims to have built the first adobe house in that city.

In the spring of 1859 he and his small family set out from Provo to pioneer Heber Valley in Wasatch County. Their family by this time consisted of five small children, the youngest being an infant just 13 days old. The way was very hard and over almost impassable trails following the winding Provo River. In some places the snow obliterated even the faint trail and made the trip extremely hazardous. At one turn the wagon, with all its contents, tipped over into the swirling waters of the river. Working quickly, Uncle Daniel Bigelow helped lift the wagon box off the family and snatched up the 13-day-old infant as it began floating down the stream. They salvaged what they possibly could, but everything was lost except a bake oven, one sack of flour, and a chest of clothing. However, their spirits were undaunted as they gathered together what was left and courageously continued on their journey. They arrived in Heber Valley on April 29, 1859, and were among the first three or four settlers to locate there. Their first home was a rude dugout. These pioneer families considered it wise to locate in a central place and to build their cabins in fort shape, to protect them from wild beasts and savages. A large corral was made in Cluffs Hollow, where most of the cattle were guarded at night. In the daytime they were herded on the surrounding hills. In the center of the fort a meeting place was erected which served for all purposes. Nineteen families celebrated the Christmas of 1859 in Heber Valley.

In the main, these early people were not farmers, but good farmers they became. They were not military men, but soldiers they were forced to be.

Early in the settlement of the valley, trouble in the form of Indian raids began to worry the settlers. By the spring of 1866 nearly every able-bodied man in the county was engaged in active military service.

One of the first men to be appointed to active military duty was John Wesley Witt. His ability to direct men and operations was such that he was commissioned a major in the Wasatch County militia. Under his command were cavalry men who scouted the mountains for signs of hostile Indians. These raids and uprisings and attacks were part of the activity of the Blackhawk War.

Those were days of wildest romance and adventure in that isolated mountain valley of the Wasatch.

When the county was organized, February 22, 1862, John Witt was appointed probate judge by the territorial Legislature. He, in turn, appointed three more men and they were known as the county court. He held this position from 1862 until the first day of June, 1888 (26 years).

It was during Judge Witt's administration of public affairs that the most important events in the history of Wasatch County occurred.

Crops were planted and harvested con-

trary to the prediction that the climate was too severe, and thriving settlements were established in fertile parts of the valley.

It was also during this period that the inhabitants of the county endured hardships and privations known only or realized by pioneer settlers of a new country. Many lived in dugouts or dirt-roofed houses and ate bread when it was to be had, and went without where they could not get.

John Witt was in reality the head man in all political, municipal and business affairs in the settlement and county. He owned the first store in Heber and operated the first post office there. He not only held municipal offices, but was active in ecclesiastical work as well.

In the beginning the entire Heber Valley came under one ward. This ward was organized in 1861, with Joseph S. Murdock as bishop and John Witt as counselor. He was a brother-in-law to Brigham Young, whose wife was a sister of Lovina Bigelow Witt. Whenever President Young or other Church authorities came to Heber they were entertained at the home of John Witt. He remained true and faithful to the gospel and was a high councilman when he died. He also belonged to the prayer circle in Salt Lake.

On November 1, 1869, he married a second wife, Martha Taylor. To them were born six sons, making 19 children in all. These sons were Joseph William, John E., James Taylor, Thomas Alma, Charles and David.

On Sunday, June 30, 1907, this pioneer settler, judge and soldier laid down the cares of this life at the age of 78 years and was buried in Heber City Cemetery.

He was a man of strong convictions and one who united sound common sense with candid outspoken frankness. He was imminently fitted to mould the rude elements of pioneer society into form and consistency. His personality aided in raising to a higher standard of citizenship the population of this valley. His name will go down to posterity as among the greatest of Wasatch County citizens, as an affectionate husband, a loving father, a splendid citizen and a good neighbor. The Witt name is known for good, for achievement and for strength throughout Wasatch County.

LOVINA BIGELOW WITT

Lovina Bigelow Witt was born on March 24, 1834, at Grimsby, Cole County, Illinois, and died November 5, 1900, at Heber City.

Lovina Bigelow Witt was the daughter of Nahum and Mary Gibbs Bigelow. She was born March 24, 1834, at Coles County, Illinois, where she lived with her parents, brothers and sisters on a farm in a hewed log cabin with a puncheon floor, not sawed boards, but split from big trees and hewed off. Here they were comfortable. They had sheep, oxen, cows, pigs and horses. They had some sugar trees and made sugar in the spring from sweet syrup.

About October, 1836 or 1837, the first Mormon Elders visited her parents. They were Elders Coombs, Dibbius and David Gamett. The Bigelow family were converted to this new gospel and moved to Nauvoo in the fall of 1843.

They bought land at Camp Creek, near Nauvoo, and began to farm. It was here Nahum Bigelow and family went through mobbings and persecution. It was here their spring of water was poisoned, when a bottle of the water was analyzed and shown to contain enough poison to kill 10 men. They were warned not to use the water when they saw a green scum on top of the spring. They moved to Nauvoo for protection and after the excitement and mobbings quieted down, President Young told the brethren to go back and secure their crops, and it was here at Camp Creek that a neighbor, James Porter, persuaded Nahum to drink a cup of coffee, saying it would warm him up. He didn't want the coffee, but hated to hurt his neighbor's feelings, and as soon as he drank it became violently ill, but was administered to by Brother Patten and another man. He then vomited, thus getting rid of the poison. The Elders promised him he should get well and spoke in tongues, saying he would live and go to the Rocky Mountains and establish his family there. He did.

It also was at Camp Creek that James Porter and another man told the Bigelow family that the mob was coming to burn their house and kill old Bigelow and all his family. They did not feel safe, so they hid everything of value and took their bedding and made their beds in the corn fields

near the bean patch, where they had pulled the beans up. Everything was dark about the beds, so the mob couldn't see, for it was cloudy. After prayers were said they laid down fully dressed, but didn't sleep, as they kept watching and listening. Soon they heard firing and loud shouting at the house and were thankful they were hidden. Lovina said, "We lay still and prayed silently." They yelled and set the bloodhounds on our tracks, but the Lord preserved us. We could hear and see the dogs running around and the mob racing through the corn fields in search of us. We got up in the night and moved our beds in the hollow. Father and Hyrum leaned on the fence and watched. The mob left about 3 a.m. and father and brother Hyrum came back to bed. When daylight came, father went to see what had been done. The house was still standing, but the windows were broken and horses' tracks were all around the house. This was the same time the spring of water was poisoned. We were the only family molested and we wondered why.

Nahum Bigelow, true to the promise in his blessing, did come to the Rocky Mountains and Utah with the William Snow ox team company, arriving October 6, 1850, and settling at Farmington, Utah.

On March 27, 1851, Lovina Bigelow married John Wesley Witt. They were married at a dance by John Bare. She had a chest of clothing and John had a chest, and that comprised their possessions.

They went to make their home in Provo, where John W. built the first adobe house. They lived there until April 29, 1859, when they moved to Heber Valley. In this valley, Lovina went through all the privations of pioneer life—the cricket plague, sickness, and death. One little girl, Annie, died with croup. Little Louisa, who had been saved from a watery grave in Provo River, now drowned in the creek near their home. Robert, 20, died of a gunshot wound and through all these trials and sorrows, Lovina Bigelow was patient and courageous, never complaining. She was a most patient, loving and devoted wife. Although a cripple from arthritis many years, she never complained, but would say, "Oh, it could be worse."

During the diphtheria epidemic, when whole families died, Lovina Witt was one

who went into the homes with Sister Mary Crook and Sister Hatch, first wife of President Abram Hatch, to comfort and help the bereaved and to prepare the dead for burial.

She was the mother of 13 children, namely: John Wesley Jr., Robert Nahum, Anna Udora, Nancy Louisa, Mary Susanna, Daniel Brigham, Sarah Elizabeth, Milton Musser, Alphonso Moroni, Franklin Leo, Dorcas Marion and Jesse Monroe.

Lovina Bigelow Witt died November 5, 1900, from pneumonia, at her home in Heber City. It was her request to hold services at home and not remove her body until she was taken to the cemetery. She was buried November 8, 1900, in Heber Cemetery after services at her home.

Lucy Bigelow also married Brigham Young. She was the mother of Susa Young Gates, Mabel Sanborn, and a daughter Doria.

MARTHA JANE TAYLOR WITT

Martha Jane Taylor was born in the town of Alchamoore, Lancashire County, England, on April 13, 1852. She was the daughter of James Taylor and Alice Walker, both having been born at Alchamoore. She had the following brothers and sisters: Joseph, Peter, Betty and Sarah Ann. The brother, Peter, died when a small boy, before the family left England.

Father Taylor worked as a coal miner in the mines near Alchamoore. The mother worked as a weaver in the mills before her marriage. After she commenced having children she had a little loom of her own in her home, a string was tied from the cradle to the treadle, thus rocking her baby as she worked.

Elders Orson Pratt and Orson Hyde brought the gospel to the family. The mother accepted the gospel and was baptized, but the father did not join the Church. He fought against it a long time, possibly

1852

because he worked as a coal miner and the persecution and ridicule of his fellow workmen would be more than he could bear.

One time there was considerable persecution, but in spite of it the mother still remained firm and said, though it were written on her back that she was a Mormon so all the world could see, she would be proud of it.

Father Taylor fought against the Church for a long time after the mother had been baptized and made things very disagreeable at home. One morning, after mother had gone downstairs to get breakfast (this was a morning after he had been particularly cross and quarrelsome at her for joining the Church), she heard a terrible scuffle upstairs, just like two men were in a terrible fight. She hurried upstairs as fast as she could and found father Taylor lying prostrated on the bed. He could hardly speak for a few minutes, but finally was able to tell her that he had been fighting with the devil. He said that the evil one had suddenly appeared in the room in the form of a fine-looking man and asked him to shake hands with him, and then stretched forth his hand. Father Taylor refused and said: "Your hand is as broad as a back spittle." (A back spittle was a large paddle used to take bread out of ovens.) With that, the evil one fell upon him and a terrible struggle ensued. After this experience the father joined the Church and was faithful and true ever after.

Betty and Joseph were both married in England and left for America, settling in Pennsylvania. Their idea was to get work and save sufficient money so the rest of the family might come. Betty worked by the day, washing, scrubbing, etc.

Martha was six years old when the family left England. It took them six weeks from the time they left Liverpool, England, until they arrived in New York City. They went to Philadelphia, where the family was reunited. The family lived in Philadelphia two years, the father and brother working in the coal mines in order to save money enough to move on to Utah. Betty died and was buried in Bellview, Pennsylvania.

The family next moved to Gravi, five miles out of St. Louis, where the father also worked in the coal mines. An outfit was obtained here for the journey westward.

They moved on to Florence, where they had to remain six weeks on account of Martha being stricken with typhoid fever.

They started in the spring of 1861, with an independent company, arriving in this valley in September. There were eight in the family: Father and mother Taylor, Sarah Ann, Martha, Joseph and his wife and two children. Most of them walked every step of the way. Martha was very weak from her recent illness and had to ride part of the way with other emigrants.

The Taylor family came directly to Heber, being directed this way rather than to Salt Lake. It was indeed a dreary and desolate sight that greeted them as they were told they had arrived at their destination. Coming from a thickly populated country to barren desert land dotted with only a few houses in a fort, it took quite a bit of stamina and faith to stay.

The family didn't want to remain here. Brother Joseph knew only one man and he was John Crook, whom he had known in England. He was very friendly to them and was perhaps responsible for the family staying in this valley, as they were thinking seriously of going to Santaquin, where their friends were located.

Joseph Taylor and family spent the first winter in the home of Thomas Rasband, while the father, mother, Martha and Sarah Ann lived in the home of James Carlile. These houses, of course, formed part of the fort.

With the coming of spring, the family went to live with Elisha Thomas, who lived in the eastern part of town. He was one of the first to move quite a distance from the fort.

As pay for their work they received from Elisha Thomas two cows and the piece of ground where Uncle Will Murdock's house now stands. That winter the family had their own little log house.

Father Taylor was a sufferer from asthma, due to his many years spent in the coal mines. He was therefore unable to do hard manual labor, although he was always willing. At one time he was badly in need of a load of wood, so some of the young fellows in Heber went to the river and brought him back a fine load of wood. They had a dance that night in the Taylor home to celebrate the occasion, beds and

furniture being removed for a jolly time. Joseph Moulton, Bill Giles and Noah Mayo were among the young fellows who got the load of wood.

In 1867, Mother Taylor started to weave with a loom from a man in Midway. She made linsey, jeans and blankets. Sometimes she would get her pay two or three years after delivering the goods. She took anything and everything for her pay—wood, flour, wheat, meat, etc.

Martha went to school at the homes of Mr. and Mrs. Clark, Mary Jordan and later William Chatwin. Her schooling consisted of only a month or two out of each year. Reading and writing were the main subjects taught.

Martha was kept busy helping her mother with the spinning and weaving. Her job was to fill the spools ready for the loom. She was not kept too busy, however, for she had time to make friends with Sarah Murdock Lindsay, Aggie Watson Lindsay, the Sessions girls and Mary Gallagher Murdock.

When 18 years of age, Martha married John Wesley Witt, who was born February 10, 1892, in Hamilton County, Illinois. She was married on November 1, 1869, in the old Endowment House at Salt Lake by Daniel H. Wells. She was the second wife of Mr. Witt and went to live in his home. This arrangement proved to be very unsatisfactory and brought much sorrow to her heart. She lived there about five years, her son, Joseph William, being born during that time. She then lived in her mother's old home, where her son, John E., was born. After her mother's home was sold she moved to the west part of town, near Lynn's old home. James Taylor, Charles, David and Alma were born there. Charles and David died while small. Will and James dying after maturity, both having families.

After leaving the Witt home, Martha depended upon her own labors for a livelihood until her boys were old enough to help her.

Martha served many years in the choir and as teacher in the Second Ward Relief Society.

She had the privilege of going over part of the old Mormon trail on July 24, 1930. Where she had walked as a little girl she, on that day, traveled along, without any

effort at all, in an automobile over 300 miles. The same distance with their ox team would have required at least twenty days. She died January 14, 1940.